

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

v.

No. CR-07-615 WJ

TOBY MARTINEZ,
RAUL PARRA,
MANNY ARAGON,
SANDRA MARTINEZ,
a/k/a/ "Sandra Mata,"
and MICHAEL MURPHY

Defendants.


**MEMORANDUM OPINION AND ORDER DENYING GOVERNMENT'S MOTIONS
TO EXCLUDE EXPERT WITNESSES AS MOOT**

THIS MATTER comes before the Court upon the Government's Motion to Exclude Expert Witnesses Melinda Garcia, Ph.D. and William Foote, Ph.D. (Doc. 516), filed September 26, 2008, and Government's Motion to Exclude Expert Witness Don Shields, Ph.D. (Doc 517), also filed September 26, 2008 .

On July 7, 2008 Defendant Sandra Martinez filed a notice of intent to offer the testimony of Melinda Garcia and William Foote (Doc. 369). Similarly, on July 6, 2008 Defendant Manny Aragon filed a notice of intent to offer the testimony of Donald Shields (Doc. 368). However, since that time the respective Defendants have both indicated to Government counsel and to the Court that they do not intend to offer the testimony of these witnesses.

THEREFORE

IT IS ORDERED THAT the Government's motions to exclude the testimony of Melinda Garcia, William Foote, and Donald Shields are denied for the present time as moot.



UNITED STATES DISTRICT JUDGE